

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
)
Numbering Resource Optimization) CC Docket No. 99-200
)

**PENNSYLVANIA PUBLIC UTILITY COMMISSION’S
PETITION FOR DELEGATED AUTHORITY TO IMPLEMENT NUMBER
CONSERVATION MEASURES**

I. Introduction

The Pennsylvania Public Utility Commission (“PaPUC”) respectfully requests delegation of authority from the Federal Communications Commission (“Commission”) in order to implement additional number conservation measures in the state of Pennsylvania. The PaPUC believes that mandatory thousands-block (“1K”) number pooling conserves telephone numbers in the long run and forestalls unnecessary area code exhaust. However, not all carriers fully comply with our pooling efforts and still request and obtain telephone numbers in blocks of 10,000 because some of the rate centers within our pooling NPAs are considered optional for pooling purposes. The PaPUC asserts that 1K number pooling is most beneficial when all or most carriers providing service in a NPA subject to 1K number pooling are able to comply fully in the pooling effort. Accordingly, the PaPUC requests delegated authority from the Commission in order to direct Neustar Number Pooling Services (“Neustar”), the numbering administrator, to mark all rate centers in the Commonwealth of Pennsylvania mandatory for 1K block number pooling purposes.

II. Background

In 1993, Pennsylvania had a total of only four area codes— 215, 412, 717 and 814. Today, we have ten active area codes—215, 610¹, 267, 484,² 717, 570³, 412, 724⁴, 878⁵, and 814. The PaPUC has always strongly advocated for the need of the states to have authority to implement number conservation measures in order to alleviate the explosion of new area codes.

Congress granted the Commission with plenary authority over numbering administration.⁶ The Telecommunications Act of 1996, Section 251(e), allows the Commission to delegate to state commissions or other entities all or any portion of its jurisdiction over numbering administration.⁷ In the *Pennsylvania Numbering Order*, the Commission recognized that state 1K number pooling trials could aid in the development of national pooling implementation, architecture and

¹ In 1994, the original 215 NPA in southeastern Pennsylvania was geographically split and the 610 NPA was introduced.

² By Order entered May 21, 1998 Docket No. P-00961061, the Commission directed that the 215 and 610 NPAs, or area codes, in the southeastern portion of this Commonwealth receive individual overlay NPAs so as to address the prevailing NXX code shortage problem. The 215 NPA received the 267 overlay NPA and the 610 NPA received the 484 overlay NPA.

³ The 570 NPA was a geographic split of the 717 NPA and was activated on April 8, 1999.

⁴ By Order entered July 15, 1997, at P-00961027, the Commission directed that the original 412 NPA in western Pennsylvania be geographically split with the new 724 NPA. The Pittsburgh metropolitan area would retain the 412 NPA with the surrounding communities transferring to the new 724 NPA. The new 724 NPA was activated on February 1, 1998.

⁵ The 412 NPA was declared to be in jeopardy on October of 1999, by the NANPA. On January 19, 2000, an industry consensus was reached to institute an all services multiple overlay. Therefore, on August 17, 2001, the 878 NPA was activated and overlays both the 412 and the 724 geographic areas.

⁶ 47 U.S.C. § 251(e).

⁷ *Id.* at § 251 (e)(1).

administrative standards.⁸ Further, the Commission concluded in its subsequent *Numbering Resource Optimization (“NRO”) Notice* that implementation of thousands-block number pooling is essential to extending the life of the North American Numbering Plan (“NANP”) by making the assignment and use of central office codes (“NXX”) more efficient.⁹

In the *NRO First Report and Order*, the Commission, based on its prior conclusion regarding 1K block number pooling, announced its intention to establish a plan for national rollout of 1K block number pooling. The Commission’s national 1K block number pooling framework implemented pooling on a numbering plan area (NPA) by NPA basis within the largest 100 Metropolitan Statistical Areas (“MSAs”) only. In that same Order, the Commission determined that it would continue to consider and rule upon any state petitions requesting the additional delegation of numbering authority, including number pooling, on a case-by-case basis.

The PaPUC had previously filed a Petition for Delegated Authority to Implement Number Conservation Measures on December 27, 1999 in which it had requested, among other initiatives, the authority to implement 1K number pooling in Pennsylvania. As a result of the Commission’s determination regarding 1K number pooling in the *NRO First Report and Order*, on April 25, 2000, the PaPUC subsequently filed a Supplement to its Petition for Delegated Authority to Implement Number Conservation Measures. The Commission delegated authority to the PaPUC to implement immediately an interim mandatory 1K number pooling in the Philadelphia MSA (610/484 NPAs) and in the Pittsburgh MSA (412 NPA).

⁸ *Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717*, Memorandum Opinion and Order and Order on Reconsideration, 13 F.C.C. Rcd at 19027 (“*Pennsylvania Numbering Order*”).

However, the Commission clarified that the PaPUC must first implement 1K block number pooling in a single MSA (either the Philadelphia MSA or the Pittsburgh MSA), and may not expand to another MSA until pooling has been fully implemented in the initial MSA.¹⁰ Further, the Commission stated that the PaPUC could implement 1K number pooling in any new NPA implemented in these two MSAs. Based on this delegated authority, the PaPUC implemented its first mandatory 1K block number pooling trial in the 610/484 NPAs in April 2001. In October 2001, pursuant to its previous delegated authority, the PaPUC implemented its second mandatory pooling trial in the 412/724 and 878 NPAs in southwestern Pennsylvania.¹¹

The national rollout of 1K number pooling commenced on March 15, 2002, in the 100 largest MSAs and in those area codes that were previously in pooling pursuant to state delegation orders.¹² Thus, in accordance with the FCC's national rollout schedule for pooling, Pennsylvania's third mandatory 1K block numbering pool was implemented in the 215/267 NPAs located in southeastern Pennsylvania in August 2002.¹³

The PaPUC had used previously delegated authority from this Commission to implement two accelerated voluntary pools in its 570 and 717 NPAs. The PaPUC adopted an order on August 9, 2001 directing the implementation of accelerated voluntary 1K numbering pools in the 570 NPA on February 28, 2002

⁹ *Numbering Resource Optimization*, Notice, 14 F.C.C. Rcd. 10322, 10383-84 (June 2, 1999).

¹⁰ *Numbering Resource Optimization*, Order, 15 F.C.C. Rcd. 23371 (2000) (July 2000 Delegation Order).

¹¹ *Implementation of Number Conservation Measures Granted to Pennsylvania by the Federal Communications Commission in its Order Released July 20, 2000 - Thousands-Block Pooling*, Docket Nos. P-00961027F0002 and M-00001427 (Order entered May 31, 2001) at 13.

¹² *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, ¶¶1-10 (Order adopted April 24, 2002).

¹³ *See Numbering Resource Optimization, Order* 17 FCC Rcd 7347 (Pooling Rollout Order).

and in the 717 NPA on March 14, 2002. The order was adopted as a result of a Joint Petition for Settlement Agreement for Accelerated Voluntary Thousands-Block Pooling in the 570 and 717 Area Codes (“Joint Petition”) submitted to the PaPUC by various LNP-capable telecommunications carriers providing service in those area codes. In the meantime, Representative Keith R. McCall and members of the Northeast Delegation of the Pennsylvania House of Representatives (Pennsylvania State Legislators or Petitioners) filed a petition with the Commission requesting that the PaPUC be granted additional delegated authority to implement “mandatory” 1K block number pooling in the 570 and 717 NPAs. Subsequently, the Commission directed the pooling administrator to establish the 717 and 570 voluntary pooling trials as mandatory pools under the national 1K number pooling program and to include those pools as a part of the national 1K block mandatory pooling roll-out schedule developed by Neustar.¹⁴ Thus, the 570 and 717 pools were included as part of the initial rollout of nationwide mandatory 1k number pooling.

Furthermore, in April 2002, the 814 NPA was also included as a part of the national 1K block pooling roll-out schedule developed by Neustar.¹⁵ The 814 numbering pool was implemented in November 2002 in accordance with the FCC’s national rollout of thousands-block pooling. Therefore, to date, all area codes within Pennsylvania are under a pooling regime.

However, it has come to the PaPUC’s attention that some of the rate centers within these pooling areas are marked “optional” for 1K number pooling purposes because those rate centers do not reside within one of the 100 MSAs.

¹⁴ *In the Matter of Petition of Representative Keith R. McCall and Members of the Northeast Delegation of the Pennsylvania House of Representatives Requesting that Additional Authority be Delegated to the Pennsylvania Public Utility Commission to Implement Additional Number Conservation Measures*, Order, CC Docket No. 99-200 (December 28, 2001).

Consequently, the PaPUC is seeking authority from the Commission so that it can direct Neustar to mark all rate centers in Pennsylvania mandatory for 1K block number pooling purposes.

III. Discussion

The Commission outlined the criteria that a state must satisfy in order to have the authority to implement mandatory number pooling. The Commission stated that a state commission seeking 1K block number pooling authority must demonstrate that: (1) the NPA is in jeopardy; (2) the NPA in question has a remaining life span of at least a year, and, (3) that the NPA is in one of the largest 100 metropolitan statistical areas (“MSAs”), or alternatively, the majority of wireline carriers in the NPA are local number portability (“LNP”) capable.¹⁶ Additionally, the Commission recognized that “special circumstances” may exist in which pooling would be beneficial in the NPAs that do not meet the specific criteria, and stated that it may authorize mandatory pooling in such a NPA upon the satisfactory showing by a state commission of special circumstances.

The PaPUC asserts that “special circumstances” exist in which “mandatory” pooling should be extended to all rate centers in Pennsylvania residing outside of the 100 MSAs. One of the major drivers of the rapid implementation of new area codes is the distribution of telephone numbers to carriers in blocks of 10,000. 1K number pooling addresses this problem as it allows the allocation of blocks of one thousand sequential telephone numbers within the same NXX code to different service providers. Nonetheless, some of the rate centers in our pooling area codes are “optional” rate centers. This means

¹⁵ See *Pooling Rollout Order*

that any carrier providing service in these “optional” rate centers can still request a full NXX code that consists of 10,000 telephone numbers. This is of particular concern to the PaPUC because there have been an increasing number of requests for full NXX codes (10,000 telephone numbers) in the rural areas of Pennsylvania.

As mentioned above, the pooling trial in the 570 NPA was initially a voluntary pool, but then its designation was changed by this Commission to a mandatory pool and included in the national 1K pooling roll-out. However, 61 out of the 180 rate centers in the 570 NPA are considered “optional” for pooling purposes. Additionally, although the 814 NPA was included as a part of the national roll-out of mandatory 1K number pooling, 169 of the 178 rate centers are considered optional for pooling purposes.¹⁷ While the PaPUC has enjoyed relative success with voluntary pooling via optional rate centers, we believe that requiring mandatory pooling in all rate centers would maximize the benefits of 1K number pooling as a numbering conservation measure.

For example, in March 2002, the telecommunications industry had just agreed to recommend to the PaPUC an all-services distributed overlay because the 814 NPA was projected to exhaust in 1Q2005. However, as mentioned above, 1K number pooling was implemented in the 814 NPA in August 2002. Initially, within six months of the implementation of 1K number pooling in the 814 NPA, the projected life of the 814 NPA was extended two years—from 1Q2005 to 3Q2007. A year later, or April 2004, the projected exhaust date for the 814 NPA

¹⁶ *Numbering Resource Optimization First Report and Order*, 15 F.C.C. Rcd at 7651-52, ¶ 170. These three criteria were adopted before the implementation of nationwide 1k block number pooling and before the Commission recognized that full LNP capability is not necessary for participation in pooling.

¹⁷ In addition, the 410/684 1K numbering pool, which was first that the PaPUC implemented via delegated authority has six optional rate out of 90 rate centers. The 724/878 1K numbering pool, which was the second 1K pool implemented via delegated authority, has twelve optional rate centers out of 162. The 717 1K numbering pool has 17 optional rate centers out of 107. Thus, out of the 776 total rate centers in Pennsylvania, 265 are optional rate centers.

was extended another two years or until 4Q2009. Again, in October 2005, the 814 NPA projected exhaust date was extended to 3Q2010. Lastly, the 2006 NPA Exhaust Analysis showed that the life of the 814 area code was extended to 1Q2011.

Nevertheless, since the implementation of 1K number pooling in the 814 area code in 2002, several competitive carriers have begun to provide service throughout the 814 NPA and because many of the rate centers in the 814 NPA are outside of the top 100 MSAs, these carriers have been requesting full NXX codes. While the PaPUC has encouraged voluntary pooling in areas adjoining qualifying MSAs, carriers have been reluctant to participate fully in pooling efforts. As a result of carriers' reluctance and their increasing number of requests for full NXX codes in our rural areas, Neustar has informed us that the 814 NPA is now set to exhaust in the 3Q2012 and it has instituted a relief planning session for the industry and filed a relief plan with the PaPUC for our consideration. Thus the trend of the projected exhaust dates being extended as a result of 1K number pooling has ended and become nullified as a result of carriers taking advantage of the optional designation.

The same can be said for the 570 NPA. Initially, 1K number pooling was highly successful. However, since the implementation of 1K number pooling, carriers have now increasingly begun requesting full NXX codes in the optional rate centers within the 570 NPA. Consequently, on March 30, 2009, Neustar informed the PaPUC that the 570 NPA is projected to exhaust during the 3Q2011; and therefore, declared the NPA to be in a jeopardy situation as of April 1, 2009. The 570 NPA is now subject to jeopardy procedures. On May 27, 2009, NANPA convened an industry NPA relief planning session to develop a recommended

relief plan, based on industry consensus, for the 570 NPA that it will eventually file with the PaPUC for our consideration.

Thus, despite our best efforts to encourage carriers to request unused numbers from existing carriers so as to not result in the rapid depletion of our area codes, carriers are reluctant to participate fully in pooling efforts in optional rate centers and continue to request full NXX codes. The PaPUC strongly believes that in order to maximize the benefits of 1K number pooling as a numbering conservation measure that all rate centers within a pooling NPA should be mandatory so that carriers are required to participate in number pooling efforts.

Moreover, as Pennsylvania is now faced with NPA Relief measures in two of our area codes (and more are expected by year-end), we are interested in any and all measures that would benefit number conservation in our state. By making all rate centers mandatory throughout the state, we would be able to close the gap in utilization rates between those area codes that have no optional rate centers and those that still have optional rate centers. Currently, utilization rates range from 39 percent with optional rate centers to 59.30 percent with zero optional rate centers.

Additionally, the Commission itself has stated that it would consider extending “mandatory” pooling outside of the top 100 MSAs after pooling was implemented in the top 100 MSAs.¹⁸ That has taken place. Thus, it is no longer burdensome to extend mandatory 1K number pooling to our rural areas.

Further, the PaPUC notes that the geographic scope of the availability of LNP has dramatically expanded to areas outside of the top 100 MSAs. Many of

¹⁸ *Pooling Rollout Order*, 17 FCC Rcd at 7348, ¶ 3.

the issues regarding the initial implementation of LNP have been resolved by carriers and switch vendors and, therefore, LNP has now been deployed by most carriers in all of their exchanges. In any event, most wireline carriers providing service in Pennsylvania, even in rural areas, are currently LNP-capable. Furthermore, the Commission recognized in the NRO Fourth Report and Order that full-LNP capability is not really necessary for participation in pooling as long as the underlying Location Routing Number (“LRN”) architecture has been deployed by the carrier.¹⁹ Accordingly, there is no valid reason not to extend mandatory 1K number pooling to the areas outside of the top 100 MSAs.

It is now an appropriate time to expand the benefits of mandatory 1K to those areas outside of the top 100 MSAs. Any attempt to postpone the full implementation of mandatory pooling in all rate centers, including those within our rural areas and outside of the 100 largest MSAs must be flatly rejected as contrary to the public interest. The utilization of 1K number pooling in an NPA realizes its greatest benefits when the majority of the carriers within the NPA receive their numbering resources in thousands-blocks, instead of blocks of 10,000. Permitting some carriers not to participate in 1K pooling compromises its potential effectiveness as a numbering conservation measure.

Additionally, with the advent of competitive telecommunications services such as Voice Over Internet Protocol (“VOIP”), wireless and cable television companies throughout the state, the depletion of telephone numbers will accelerate dramatically without the availability of effective number conservation measures. Mandatory pooling will conserve numbers in the long run and forestall area code exhaust by requiring all telecommunications services providers to obtain telephone numbers in blocks of 1,000, instead of 10,000. The PaPUC believes that

¹⁹ Fourth Report and Order, 18 F.C.C. Rcd at 12476, Para. 11.

mandatory pooling will be very beneficial in resolving the state's impending number exhaust.

The full deployment of mandatory 1K number pooling in all rate centers in Pennsylvania will be a major steppingstone in continuing to enhance numbering resource conservation. The PaPUC can demonstrate through *substantial and credible* evidence that mandatory 1K number pooling will extend the life of area codes. For example, due to the implementation of various number conservation measures, most significantly 1K block number pooling, the PaPUC was able to alleviate the need for the implementation of area code relief in southeastern Pennsylvania.

The 610/484 NPA had been under a 1K number pooling regime since April 2001, and thus, all pooling capable telecommunications carriers, including wireless providers, were receiving blocks of 1,000 telephone numbers from the Pooling Administrator to satisfy their numbering needs. In preparing for the pooling trial, approximately 66 full NXX codes were returned to the pooling administrator. Moreover, by June 2001, the pooling administrator had only opened one full NXX code to fulfill the needs of the pooling carriers. Conversely, in a non-pooling environment, all of the carriers may have needed to take NXX codes for their individual use.

After the implementation of 1K block number pooling in the 610 and 484 NPA, the 2005 NRUF data demonstrated that both of these NPAs continued to experience an efficient use of numbering resources. As a result, there were adequate numbering resources available, both in the form of full NXX codes and thousands-blocks (1K blocks), for telecommunications carriers in these NPAs and Neustar was able to recalculate the projected exhaust date for the 610/484 NPAs

and it was extend outward significantly. Accordingly, the Commission was able to order the rescission of the relief plan for the proposed 835 NPA in southeastern Pennsylvania.²⁰ Thus, in many ways, pooling has been quite successful in preserving the life of these area codes and is further evidence that 1K number pooling truly prevents the need to open up new NXX codes.²¹ The PaPUC believes that mandatory 1K pooling will have the same effect on our other NPAs, including the mostly rural 570 and 814 NPAs.

²⁰ By Order entered June 25, 2005, at Docket No. P-00961061F0002, the PaPUC was also able to rescind the 835 NPA overlaying the 610/484 NPAs in southeastern Pennsylvania.

²¹ By Order entered September 18, 2003, at Docket No. P-00961071F0002, the PaPUC had previously rescinded the consensus relief plan of the 445 NPA overlaying the 215/267 NPAs in southeastern Pennsylvania due to the mandatory 1K number pooling efforts in those NPAs.

IV. Conclusion

The scope of mandatory number pooling has been limited to only the top 100 MSAs and, specifically, only to those rate centers within the 100 MSAs. The PaPUC believes that mandatory 1K number pooling should be extended to all rate centers in Pennsylvania as it has proven its effectiveness in forestalling unnecessary and untimely area code depletion. There is no reason to diminish the effectiveness of a viable numbering conservation measure. The PaPUC will ensure that the mandatory thousands-block number pooling that is extended to those particular rate centers located outside the top 100 MSAs, is done in accordance with the national pooling framework. For these reasons, the PaPUC respectfully recommends that the Commission grants us the authority to direct Neustar to mark all rate centers in Pennsylvania mandatory for 1K number pooling purposes.

Respectfully submitted,

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